

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY APRIL 2, 2014

AMENDED IN ASSEMBLY MARCH 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1612

**Introduced by Assembly Member Donnelly
(Coauthors: Assembly Members Grove, Harkey, Jones, and
Nestande)**

February 6, 2014

An act to amend Section 11344 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1612, as amended, Donnelly. State government: regulations.

The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies. The act requires the Office of Administrative Law to provide on its Internet Web site, free of charge, the full text of the California Code of Regulations, and a list of, and a link to the full text of, each regulation filed with the Secretary of State that is pending effectiveness, as specified. ~~Existing law requires the Legislative Counsel to make specified information available to the public in electronic form, including, among other things, the legislative calendar, the text of each bill introduced in each current legislative session, the California Codes, and the California Constitution.~~

~~This bill would require the Office of Administrative Law to make those regulations searchable in one or more formats and by one or more means in order to provide the greatest feasible access to the public, and~~

also make those regulations available by other means, as specified. This bill would declare legislative intent to provide a level of public access to the California Code of Regulations that is equal to, or greater than, the level of access to the California Codes provided by the Legislative Counsel.

This bill would prohibit the Office of Administrative Law from charging a fee to enable access for individuals with disabilities, as specified, and would require that accessibility options advertised to end users of the Internet Web site under the “accessibility” link be made available to the public free of charge.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11344 of the Government Code is
2 amended to read:

3 11344. The office shall do all of the following:

4 (a) (1) Provide for the official compilation, printing, and
5 publication of adoption, amendment, or repeal of regulations,
6 which shall be known as the California Code of Regulations. On
7 and after July 1, 1998, the office shall make available on the
8 Internet, free of charge, the full text of the California Code of
9 Regulations, and may contract with another state agency or a
10 private entity in order to provide this service.

11 ~~(2) The regulations required to be made available on the Internet~~
12 ~~pursuant to paragraph (1) shall be searchable in one or more~~
13 ~~formats and by one or more means in order to provide the greatest~~
14 ~~feasible access to the general public in this state, including the~~
15 ~~ability to access all or any part of the regulations. The regulations~~
16 ~~may also be made available by any other means of access that~~
17 ~~would facilitate public access to the information.~~

18 ~~(3) For purposes of this subdivision, to provide the “greatest~~
19 ~~feasible access,” the office shall not do any of the following:~~

20 ~~(A) Charge~~

21 *(2) For purposes of this subdivision, the office shall not charge*
22 *any fee to enable the access that is required by subdivision (d) of*
23 *Section 11135 for individuals with disabilities. Any accessibility*
24 *options advertised to end users of the Internet Web site under the*
25 *“accessibility” link, including any frameless, text-based interface*

1 provided pursuant to Section 1194.22(k) of Title 36 of the Code
2 of Federal Regulations, shall be made available to the public free
3 of charge.

4 ~~(B) Intentionally install any tool, including, but not limited to,~~
5 ~~a meta tag, designed for the express purpose of blocking third-party~~
6 ~~Internet search engines from accessing, indexing, or providing~~
7 ~~foreign language translation of the regulations.~~

8 ~~(4) It is the intent of the Legislature, in enacting this subdivision,~~
9 ~~that the office provide a level of public access to the California~~
10 ~~Code of Regulations that is equal to, or greater than, the level of~~
11 ~~access to the California Codes provided by the Legislative Counsel~~
12 ~~pursuant to subdivision (b) of Section 10248.~~

13 (b) Make available on its Internet Web site a list of, and a link
14 to the full text of, each regulation filed with the Secretary of State
15 that is pending effectiveness pursuant to Section 11343.4.

16 (c) Provide for the compilation, printing, and publication of
17 weekly updates of the California Code of Regulations. This
18 publication shall be known as the California Code of Regulations
19 Supplement and shall contain amendments to the code.

20 (d) Provide for the publication dates and manner and form in
21 which regulations shall be printed and distributed and ensure that
22 regulations are available in printed form at the earliest practicable
23 date after filing with the Secretary of State.

24 (e) Ensure that each regulation is printed together with a
25 reference to the statutory authority pursuant to which it was enacted
26 and the specific statute or other provision of law which the
27 regulation is implementing, interpreting, or making specific.